

Filed by: Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 28

Filed 16 March 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JORGE L. ACOSTA, MICHAEL P. SVETAL, MOHAMED A. SALIM
ROBERT W. RUDEEN, and CRAIG H. BONTLY
Junior Party¹
(Application 10/825,444),

v.

DONALD A. COLLINS, JR., DANIEL B. SEEVERS,
WAYNE L. ORWIG, and SCOTT B. HENRY
Senior Party
(Patent 6,854,647).

Patent Interference No. 105,327

Before: MEDLEY, TIERNEY and MOORE, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

On 16 March 2006, the board received from the party Collins a paper styled
"CONCESSION OF PRIORITY BY PARTY COLLINS" (Paper 27), in which Collins concedes
priority of the contested subject matter pursuant to Bd.R. 127(b)(3).

¹ Although the parties' accorded benefit dates are the same, Acosta is named the junior party for purposes of this proceeding.

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 4), the sole count in the interference is awarded against the party DONALD A. COLLINS, JR., DANIEL B. SEEVERS, WAYNE L. ORWIG, and SCOTT B. HENRY.

FURTHER ORDERED that party DONALD A. COLLINS, JR., DANIEL B. SEEVERS, WAYNE L. ORWIG, and SCOTT B. HENRY is not entitled to a patent containing claims 1-17 (corresponding to Count 1) of U.S. patent 6,854,647.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 10/825,444 and U.S. Patent 6,854,647.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

<u>/Sally C. Medley/</u>)	
SALLY C. MEDLEY)	
Administrative Patent Judge)	
)	
)	
<u>/Michael P. Tierney/</u>)	BOARD OF PATENT
MICHAEL P. TIERNEY)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
<u>/James T. Moore/</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

cc (via e-mail):

jarafter@stoel.com

lgoodwin@kasowitz.com

Despertt, Sonja

From: Despertt, Sonja on behalf of Interference Trial Section
Sent: Thursday, March 16, 2006 8:28 PM
To: 'jarafter@stoel.com'; 'lgoodwin@kasowitz.com'
Subject: Interference No. 105327 (SCM) Paper No. 28 - Judgment-Bd.R. 127(b)(3)



105327.028.pdf